Remarks

This Amendment is being filed concurrently with a Request for Examination (RCE) and addresses the Examiner's Advisory Action dated January 28, 2009, and the Final Office Action dated October 22, 2008.

By the Amendment herewith, Applicant clarifies claims 1-12 and 22-25 to improve upon the wording of the claims and, for example, change "A" to "The" in the dependent claims. It is noted that these clarifications are not made for reasons related to patentability and the full range of equivalents should remain in tact.

No new matter is introduced into the application as a result of the foregoing changes.

Accordingly, upon entry of this Amendment, claims 1-12 and 22-25 are pending. Of those claims, claim 1 is independent.

By way of background, in the Final Office Action dated October 22, 2008, claims 1-12 and 22-25 were rejected under 35 USC Section 103(a) as being unpatentable over Hockaday (US Patent No. 6,326,097, hereinafter "Hockaday") in view of Pratt et al. (US Patent Publication 2003/0194589, hereinafter "Pratt").

Applicant filed a Response to the Final Office Action on December 16, 2008 traversing the Examiner's rejection. In the afore-referenced outstanding Advisory Action, the Examiner appears to have entered Applicant's Amendment of December 16, 2008, but indicates that it does not place the application in condition for allowance. In particular, the Examiner states that "it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Hockaday with a data interface configured to receive data from the mobile electronic device in order to provide fuel consumption rate and energy conversion efficiency thus providing a more fuel efficient device."

The foregoing rejection is respectfully disagreed with, and is traversed below.

Hockaday discloses a fuel dispenser 39 which may be used to refill a fuel cell in a cell phone. Fuel is wicked from the fuel dispenser 39 by capillary action to the fuel cell manifold via the needle 37. Power from the fuel cell may then be delivered to the cell phone.

Hockaday further discloses at column 1, in the Summary of the Invention section, that the "critical component in this invention is a fuel cell that is formed on a plastic sheet, including a number of fuel cells described in ... these fuel cells pack more energy in a smaller space than conventional rechargeable batteries by using liquid methanol and water as fuel."

In the Summary of the Invention section at column 2, lines 9-45, Hockaday further discloses that its first micro-fuel cell is designed to replace the standard cellular phone battery packs. Conventional cell phones usually have a warning alert signal when the battery is low, but the accuracy and dependability of these indicators often leave room for improvement. Hockaday further discloses therein that the electronic assessment of remaining energy capacity is complex, requiring diagnostic electronics and is prone to errors. Hockaday then discloses at lines 20-25 that its "liquid fueled fuel cell eliminates this uncertainty. Checking the fuel supply is as simple as looking at the liquid level in the fuel tank. The amount of fuel remaining compared to the total fuel tank capacity is the fraction of the total energy." Hockaday then discloses advantages such as components of these micro-fuel cells being inexpensive, and having low manufacturing and assembly costs.

As recognized by the Examiner, none of the embodiments disclosed in Hockaday disclose a fuel supply device comprising a data interface configured to receive data from a mobile electronic device (Final Office Action, page 3); nor do they disclose a transfer mechanism configured to transfer fuel comprising hydrogen in dependence upon the data received from the mobile electronic device. (Emphasis added).

The Examiner maintains in the Advisory Action that Pratt cures the deficiencies of Hockaday. Applicant respectfully disagrees.

Pratt discloses a fuel cell power source for providing power to a load device. The fuel cell power source comprises a fuel storage container, which serves as a fuel source, a fuel storage container controller for controlling the fuel storage container, a fuel cell system, an information storage device, and a control means. The control means controls the operation of

other components in the fuel cell power source. The control means is configured to query the coupled load device for information and store this information in the information storage device. The control means also computes the net power loading requirements of the load device by combining and matching the dynamic load requirements of the load device with the historic use pattern of the specified device user. The control means continues to adjust the operating point of the fuel cell system, therefore controlling the voltage and current output of the fuel cells contained within the fuel cell system. Therefore, electrical power is transferred between the fuel cell power source and the load device. Pratt teaches controlling the power transfer and not the fuel transfer.

Pratt does not disclose or suggest a transfer mechanism configured to transfer fuel in response to data received from a mobile electronic device. Pratt only discloses the transfer of power. Pratt relates to the control of the efficiency of the transfer of electrical power to a load device. Pratt teaches the uses of fuel cells as the source of the electric power, which is used by the load device. The load device does not store the electrical power, but has varying power demands.

Similarly, Hockaday does not disclose or suggest a transfer mechanism configured to transfer fuel in response to data received from a mobile electronic device. As described above, Hockaday would appear to teach away from such a feature.

There is thus no teaching, suggestion or motivation to combine and modify the above references in an attempt to arrive at the subject matter of independent claim 1. Nor is there any reason to do so. For example, there would be no reason to provide the fuel dispenser of Hockaday with any data interface based on the teachings of Pratt and Hockaday as, for instance, i) Pratt does not disclose or suggest any transfer of fuel in response to data received from a mobile electronic device (in contrast, Pratt teaches the transfer of power) and ii) in Hockaday, the fuel transfer is controlled by squeezing the fuel dispenser 39. Hockaday further teaches that the fuel tank can have a transparent window so that it can be seen when the fuel store within the fuel tank is depleted (column 6 line 65 to column 7 line 1). Hockaday emphasizes the use of it micro-fuel cells and advantages of the use of such a transparent window for easy viewing of the fuel level.

Moreover, Applicant's independent claim 1 relates to the supply of fuel comprising hydrogen for storage in a mobile electronic device, as noted above. The fuel comprising hydrogen may be used in the electronic device to provide electrical power. There is also no motivation or reason to adapt the teachings of Pratt to arrive at Applicant's claim 1 because Pratt teaches the generation of electrical power at one device and the transfer of electrical power to another device, whereas Applicant's claim 1 relates to the transfer of fuel comprising hydrogen from one device to another device so that the other device may generate electricity. Pratt does not teach any transfer of fuel comprising hydrogen to a load device.

Therefore, Applicant respectfully asserts that the subject matter recited in independent claim 1 is new and non-obvious in view of the cited art. Accordingly, all remaining dependent claims also are believed to be patentable at least in view of their dependency from an allowable independent claim. Moreover, with particular regard to, for example, dependent claim 8 and claims 23-25 further depending therefrom, the cited references do not disclose or suggest any fuel supply device including the claimed identifier.

All issues having been addressed, the subject application is believed to be in condition for immediate allowance. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejection. A favorable consideration that results in the allowance of all of the pending claims is earnestly solicited.

Should the Examiner have any questions, a call to the undersigned would be appreciated.

Respectfully submitted:

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